

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

LEVI WOODERTS, JR., ID # 29639-077, )  
Petitioner, )  
vs. ) No. 3:04-CV-2253-D  
DAN JOSLIN, )  
Respondent. )

ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

I

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge and the objections thereto, in accordance with 28 U.S.C. § 636(b)(1), the undersigned district judge is of the opinion that the Findings and Conclusions of the magistrate judge are correct and they are accepted as the Findings and Conclusions of the court.

II

Petitioner complains in his objections that the magistrate judge did not resolve the question whether his restitution requirement should be modified in some manner. He explains at length why, in light of his monthly prison earnings of \$16.00, the court should reduce the amount of restitution he must pay each month, and he requests a reduction under 18 U.S.C. § 3664(k). To the extent he is asking that the court in its discretion reduce his restitution obligation, that question is not now before the court.

In the court's December 23, 2004 order docketed in petitioner's criminal case, Criminal No. 3:97-CR-054-D, the court noted that its September 23, 2004 order had denied petitioner's earlier motion requesting that restitution be waived, to the extent that defendant requested that the court

waive this component of his sentence. The court ordered that, to the extent petitioner sought any other relief, it was denied without prejudice to his filing a petition for relief under 28 U.S.C. § 2241. In other words, the issues involved in the § 2241 petition do not relate to the discretionary question whether the court should modify his restitution requirement under § 3644(e). The magistrate judge was not therefore required to address whether the court, in its discretion, should grant petitioner discretionary relief from the restitution requirement.

SIGNED June 9, 2006.

  
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SIDNEY A. FITZWATER  
UNITED STATES DISTRICT JUDGE